

1886-064 Chancery Causes: Castleton Wade vs. A. H. Spear & Co
Lee Co.

Ward, Jones

CA Debt

T-Property

- Deed

To the Hon. John A. Kelly Judge of the Circuit Court
of Lee County Virginia

Humbly complaining your Orator Basilton
Wade would respectfully show unto your Honor, that
on the 6th day of Sept. 1878. he obtained a judgement in
your Honor's court on the law side thereof against A. H.
Speer, Jonathan M. Ward, and James F. Jones, for the sum of
\$168.60 with legal interest thereon from the 26th day of March 1878
till paid, and \$6.78 the costs of the suit at law, a copy of said
judgement is herewith filed as a part of this bill marked (A)

Your Orator states that the whole of this judgement is now
due and owing to him. No part thereof ever having been paid
to him by either of said judgement debtors, or any one else for them
and the said judgement has been regularly docketed on the lien
docket in the county court clerk's office.

Your Orator further states that an execution which issued
on said judgement has been returned by the proper officer
"no property found." so that as to personal estate said judgement
debtors are insolvent:

Your Orator now states that by deed dated the 29th day of
October 1870 an Henry C. Skemp wife conveyed to said Jonathan
M. Ward, one of said judgement debtors, and Sarah Ward and
William A. Ward, a valuable tract of land lying and being in
said county of Lee on the north side of Wallace Ridge & in the
Turkey Cove supposed to contain 77. acres be the same more or
less. and the same is particularly described in said deed a
copy of which is herewith filed as a further part of this bill. (B)

By this deed it would seem that said three persons took each

one undivided third part of said tract of land, but as a matter of fact your Orator states that by some arrangement made between said Sarah & Mr. A. Ward, with said Jonathan M. Ward, the latter is the owner of one half thereof, as your Orator is informed & believes - he being in the full possession of one half, claiming it as his, and receiving its rents and profits and he has ^{so} used it for the last several years.

Your Orator states that said A. H. Spear owns no real estate, and that any real estate owned by J. F. Jones is so involved and covered up by other liens as that the same is beyond the reach of your Orator as he is informed and believes.

Your Orator alleges that his said judgment at law is a valid and binding lien on said Jonathan M. Ward's interest in said tract of land whether his interest therein be one third or one half, and in either case your Orator avers that the rents and profits of the said Jonathan M. interest will not in five years pay and discharge your Orator's said judgment at law.

Your Orator is advised that it is the province of courts of equity to enforce liens like this, by decreeing said land or so much thereof as may be necessary to discharge said judgment to be sold and to obtain that relief is the object of this bill.

Your Orator therefore prays that said A. H. Spear, Jonathan M. Ward, and James F. Jones be made defendants to this bill and be required to answer the same fully on oath. That upon a hearing of the cause a decree be entered in favor of your Orator against the said Jonathan M. Ward enforcing the lien of said judgment by decreeing his interest in said tract of land to be sold, or so much thereof as may be necessary to pay said judgment: And if in any wise mistaken in this his special prayer, then your Orator prays for all general relief. May the honorable writ of Spear issue directed &c.

Henry J. Morgan P2

le 7.02 to mps
 S 1.50
 Co 6 75
 A 15.00
 Estimate 24.27

Caslon Wade

48

vs. { Bill to Enforce Lien of Judgment

A. H. Spooner & others.

1884. Sept. Bill filed

" Octo. Sp. Ex. & D. filed

" Nov. D. of Conf. and set for hearing.

1885 Mr. Court. Aug. Decree entered
 Nov. Continued.

1886 March Continued

" Aug. Decree final

OR. 535-

Castleton Wade

Peff

vs.

A. H. Spears & others

Defts

In Chy

This cause came on to be finally heard on the papers heretofore read in the cause, and the report of Comt. Henry J. Morgan dated May 19th and filed in the cause May the 20 1886. and was argued by counsel. And the said report being unaccepted to. On consideration of which it is adjudged ordered and decreed that said report be and the same is hereby confirmed. And Comt. Morgan having executed the bond required by law he will go on and collect the money for the rent of the land as it falls due, and pay the same to the plaintiff, and no other action being necessary in the premises the parties are hence dismissed and the cause stricken from the docket, with leave to reinstate if necessary to enforce this decree.

Basileton Wade

vs. { Decm No 2 final

A. H. Shivers vs
Entered page 535

Enter this
Augt. 25/886

J. A. K.

Castleton Wade Peff
 vs. } In Chancery.
 A. H. Spear & al Defts.

This cause came on this day to be heard on
 the bill of the plaintiff and exhibits thereto, taken for
 confessed by the defendants, and was argued by counsel

On consideration of which it appears to the court that
 the judgment at law in the bill mentioned operates as
 a lien on the land ^{of the deft. Geo. Ward} in the bill mentioned, and that
 the rents and profits thereof are liable to be taken and applied
 to said judgment, and the plaintiff being willing for
 the present to accept a decree for renting said land

It is therefore adjudged ordered and decreed that said
 judgment at law of \$177.40 with legal interest in \$168.60
 thereof from the 26th day of March 1878 till paid, ^{with the costs of this suit} subject
 to a credit of \$45.00 paid March the 17-1885 be enforced
 by renting out said Geo. Ward's land for the shortest length
 of time that the same will yield the aforesaid sum.
 And the rents thereof shall become payable at the end
 of each current year from the day of leasing, leaving
 interest from that day, except as to the costs of suit & sale
 shall be paid in hand. Said renting shall be made
 at the first view of the court house on some court day
 to the highest bidder. And H. J. Morgan is appointed
 a special commissioner to execute this decree but before
 doing so, he is required to execute ^{bond} with good security
 before the clerk of this court, in the penalty of \$300. Condition
 to account for all money he may receive in this cause
 he will report ~~discontinue~~ his action to the court at the next court,

Basketon Wade

no. } Drum No. 1

A. W. Spurr & Co.

Entered Page

463.

J. S. Hyatt & Co.

Enter this

J. A. K.

Aug 27/88

Cashton Wade Poff
vs. Defts } In Chancery
A. H. Spears & others

To the Hon John A. Kelly Judge of the Circuit
Court of Lee County Virginia

On the 18th day of May 1886 that being county
court day for Lee county I proceeded at the front
door of the court house after having advertised the
time terms and place of leasing, to lease out the
tract of land in the bill mentioned for the shortest
space of time that the same would yield the
 requisite sum, when A. H. Spears one of the depts
offered the sum of \$257.08 for the use of said lands
three years and that being the highest and best
offer made therefor he became the lessee of said
land at that price, and he thereupon paid me
in hand the sum of \$51.08 which was nothing
more than was necessary to pay the costs of suit
and sale, and he then executed to me as Comr.
three notes or bonds for \$66.67 each with John Ward &
John A. B. Hyatt as security, payable in one two &
three years time with interest from date, which
bonds are herewith filed marked A. B. & C. The security
I regard as perfectly good, and the price which
the land brought is at least a fair one & the same
ought to be confirmed

After paying the costs of suit and sale there was
left of said \$51.08 the sum of \$14.85 this I paid to the
Plaintiff taking his receipt for the same, and the

following tabular statement will show what deposit
on I have made of said sum so paid in hand.

To Cash paid in hand on day of leasing	\$51.08
By attorneys fee part of costs returned	\$15.00
By 5 per cent commission returned	11.95
1 By this sum paid J. A. G. Hyatt clerks fee	7.02
2 " " " " J. R. Gibson clerk Co court	75
3 " " " " R. D. Flannery Sheriff	1.50
4 " " " " Gaslight House	14.85
	\$51.07

From this it will be seen that I have accounted
for said \$51.08 lacking one cent and that is included
in said return bond. and said receipts No. 12354 are
herewith filed, and the advertisement under which
I acted in the cause is also herewith filed (D)

Respectfully submitted

Henry J. Morgan Comr.

May 19th 1886

Baskin Wade

no. { Cont. Report No 1

A. H. Spears & others

Filed May 20th 1886.

Castleton Wells

Offy

vs.

In Chy.

A. H. Spear & others

Defts

Received of H. J. Morgan Court in above
styled cause Seven Dollars & 2 cents
my fees to date in said cause.

May 18th 1886.

J. A. Hyatt C

Rec'd, of H. J. Morgan Court in above cause
75 cents my fee therein May 18th 1886.

J. R. Gibson Clerk. County Court.

Rec'd of H. J. Morgan Court in above cause
1.50 my fee in said cause May 18th 1886.

R. D. Flanagan, S. L. C

Received of H. J. Morgan Court in the above styled cause
the sum of fourteen dollars & 85 cents in account of
the judgment at law enforced by the bill in said cause
May 18th 1886.

C. Wade by

L. M. Wade

Receipts

1 2 3 + 4

Virginia

At a circuit court continued and held for Lee County at the Court House thereof on Friday Sept 6-1878.

Cashier Wade

off

vs.

In Debt.

A. H. Spear of McHard of F. James Defts

The depts not appearing it is considered by the court that the judgments obtained against the defendants in the clerks office for \$168.60 the debt in the declaration mentioned with legal interest thereon from the 26 day of March 1878 till paid and the cost be made final

Teste -

J. P. Hyatt, C. C.

1885. March 17 by Cash of Mr. Ward \$45.00 receipt given

judgt as above with interest from March 26-1878 for	\$168.60
Interest on same to May 15 1880 - - - -	82.48
Advt for judgt at law costs thereof	8.78
	<u>259.86</u>
Credit March 17-1885 by cash	<u>45.00</u>
Balance May 15 1880 - - - - -	214.86

168.60
8.78
177.40

Basileus Hare

20. } Body of Budget

A H. Spec. others.

(A)

100

1600.
710
900

800
450

This Deed made the 29th day of October in the year
1870, between Henry C. Slump and Malissa Slump
his wife of the County of Lee and State of Vir-
ginia of the one part, and Jonathan M. Ward
and his mother Sarah Ward ^{and Wm Ward} of the County and
State aforesaid of the other part, Witnesseth
that for and in consideration of the sum of
Eighteen Hundred Dollars (\$1800.00) in hand
paid & secured to be paid the receipt whereof
is hereby acknowledged, the said Henry C. Slump
and Malissa his wife do grant, bargain, sell
unto the said Jonathan M. Ward, and his Mother
Sarah Ward a certain tract or parcel of land
lying and being in the said County of Lee
in the Turkey Cove, and being part of the tract
of land of Benjamin F. Haburn by Commissioners
& deeded to the said H. C. Slump his heirs &c.
by the said Haburn and bounded as follows:
Viz Beginning at @ beech near the top of a knob
now down @ corner to the original tract thence
S 40 E 154 poles to a beech & dead poplar stump S 56
W 48 poles to a gum S 21 E 18 poles to a ~~tree~~
N 56 E 54 poles to a Mulberry ash and poplar
corner to an old survey S 140 poles to 4 chestnut
oaks on the top of Wallens ridge S 53 W 26 poles
to a ~~steak~~ corner to a tract purchased by said
H. C. Slump of Benj. F. Haburn Jr, thence N 12
W 120 poles to Rocks 6 steps below a large poplar

N 35 W 148 fms to two sugar trees corner to a then
quarter of an acre lot laid off with the
Spring for the benefit of all the heirs of
Benjⁿ F. Haburn decd, and with lines of
said Spring lot N 81 E 8 fms to a stake
above the head of the said Spring N 30 W 16
fms to a stake S 74 W 7 fms to a stake in the
waggon road S 5 E 4 fms to a stake in a line
of lot No 2. thence with and including said
waggon road 27 fms to a stake on the orig-
inal line, thence N 60 E supposed to be 35
fms to the beginning, Containing 77 $\frac{1}{2}$ acres
more or less and also one sixth of the
undivided and Spring lot of $\frac{3}{4}$ of an
acre, Be it understood that the above bounds
are held bound for the purchase money,
and the said Henry C. Slemph and Malissa
his wife their heirs &c do Covenant with
the said Jonathan M. Ward and Sarah
Ward that they will warrant generally
the land hereby Conveyed with the
exception of a Claim of Geo. Richmond
of about 20 fms on the S.W. corner of the
entire Haburn tract of land Witness the
following signatures and seals.

Henry C. Slemph Seal
Malissa Slemph Seal

Lee County to wit,

J. A. Jones a Justice of the peace for
the County aforesaid in the State of Virginia
do Certify that Henry C. Slomp whose name
is signed to the writing hereto annexed
bearing date on the 29th October 1870. has
acknowledged the same before me in my
County aforesaid. Given under my hand
this the 31st day of October 1870.

J. A. Jones J. P.

Lee County to wit:

We J. A. Jones & D. S. Reesor Justices of the peace
for the County aforesaid in the State of Va do cer-
tify that Malissa Slomp wife of Henry C. Slomp,
whose names are signed to the writing hereto
annexed bearing date on the 29th October 1870.
personally appeared before us in the aforesaid,
and being examined privily and apart from her
husband and having the writing aforesaid
fully explained to her, she the said Malissa Slomp
acknowledged the said writing to be her act
and declared, that she had willingly execu-
ted the same, and does not wish to retract
it Given under our hands this the 31st
day of October. 1870.

J. A. Jones J. P.

D. S. Reesor J. P.

Virginia Lee County Court clerk's office Decr 13th 1881.
The foregoing deed bearing date October 29-1870.

between Henry C. Slemp & Malissa his wife of
the first part, and Jonathan M. Ward, Sarah
Ward & Wm Ward of the other part, all of Lee
County Va. was admitted to record upon
the certificates of J. A. Jones & L. S. Casson
late Justices of the peace for Lee County
Va.

Lester John R. Gibson Clerk
Attest
Lester John R. Gibson clk.

J. M. Ward et al
vs
H. C. Slemp & wife

Recorded & Deed
Book No 170522
J. R. Gibson clk.

(B)

Fee for this copy 75¢

Notice

Gasconade Wade Off }
 vs } In Chy
 A. H. Spurr & M. Ward vs Defts }

Pursuant to a decree of the Circuit Court of Le County
 rendered in the above styled cause on the 27th day of
 Augt 1885 I as com. thereby appointed for the purpose, will
 proceed on the first day of the May County Court for 1886.
 at the front door of the Court house of said County to vend
 out at public Auction to the highest bidder for the shortest
 term of time the same will bring the required sum as set
 in the annexed statement: the tract of land referred to
 in the plaintiffs bill the same being the land conveyed
 by H. B. Slump wife to Asst J. M. Ward his Mother and now
 owned by said J. M. Ward by in in Turkey Cove Sub on

At this leasing so much cash in hand will be required
 as will pay the costs of suit and leasing, And as to the residue
 the lease price per year with interest from date will be made
 payable at the end of each current year, and the lessee
 will be required to give bond with approved security
 for the deferred payments. April 8 1886

Henry J. Morgan Comr.

Bal Judgt after Credit to May 1886. \$214.86

Costs of Chy Suit - - - 24.27

5 per cent commission on \$239.13 - 11.95 Total \$251.08

The bond required by law to be executed has been given by Comr.
 H. J. Morgan with J. D. Morgan as security filed in the cause
 J. A. G. Hyatt cc

(A) Advertisement

(D)

Know all men by these presents
that we H. J. Morgan and Jas. D. Morgan
are held and firmly bound unto
the Commonwealth of Virginia in the
just and full sum of \$300.00 to the payment
whereof, well and truly to be made to the
said Commonwealth, we bind our-
selves heirs &c, jointly and severally, firmly
by these presents, and we as to this bond
waive our homestead exemption.
Sealed with our seals and dated this
The 19th day of Sep 1880.

The condition of the above obli-
gation is such that whereas the above
bound H. J. Morgan, was appointed
a special Commissioner, by a decree
rendered in the Chancery Cause of
Castleton Wade vs A. H. Spear et al and
therein directed to rent certain lands
mentioned in said bill.

Now therefore if the above bound H. J.
Morgan, shall faithfully discharge his
duties as said Comr. and truly account
for such sums of money as he may
receive then this obligation to be void
otherwise to remain in full force.

H. J. Morgan Seal
Jas. D. Morgan Seal

Castleton Wade

no. } Bond

A. H. Spruvel

Filed Sept 19 1883-

J. A. Hyatt

The Commonwealth of Virginia,

To the Sheriff of Lee County--Greeting:

WE COMMAND YOU to summon

A. W. Spear, Jonathan
M. Ward and James F. Jones

to appear at the Clerk's office of the Circuit Court of Lee County, at the Court House, on the first Monday in
October next, being Rule Day, to answer a Bill in Chancery exhibited in our Court against
Shoup, by *Castleton Wade*

And have then and there this Writ. Witness, J. A. G. HYATT, Clerk of our said Court, at the Court House,
this *15th* day of *September*, 188*4*, in the 10*9* year of the Commonwealth.

J. A. G. Hyatt, Clerk.

A Copy---Teste:

H. J. M.

Castleton Wade
no 3 Spd in Chcy
A. H. Spear et al

To October Rules 1884

Executed by delivering
an office copy of this
Spd to A. H. Spear
Jonathan M. Ward and
James F. Jones, Sept
25th 1884. C. D. Murray & Co.

3 Copies - - - \$1.50